

formed by generally accepted methods and are consistent with TACB procedures. The impact of § 115.105(7) on total VOC emission reductions and on ozone air quality in downwind as well as local areas will be undetectable; for Harris County, the anticipated emission increase is estimated to be no more than 50 tons per year.

The question raised by one commentor, the City of Dallas, concerning control of multiple storage tanks as though they were larger tanks, may deserve consideration. However, the question was not raised in the notice of proposed rulemaking and thus could not be considered in this rulemaking action.

These amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the Texas Air Control Board with the authority to make rules consistent with the general intent of the Texas Clean Air Act and to amend any rule the board makes.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on December 9, 1982.

TRD-829293 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Effective date: December 30, 1982
Proposal publication date: June 11, 1982
For further information, please call (512) 451-5711,
ext. 354.

Facilities for Loading and Unloading of Volatile Organic Compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

31 TAC §115.111, §115.113

The Texas Air Control Board adopts amendments to §115.111 and §115.113, with changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2235).

In §115.111, the amendments will affect gasoline terminals in Harris County with a daily throughput of 500,000 gallons or more. The affected terminals will be required to reduce emissions of volatile organic compound (VOC) vapors to a level not to exceed 0.33 pounds of VOC from the vapor recovery system vent per 1,000 gallons of gasoline transferred, approximately half the emission rate that would have been allowed by the rules prior to these amendments. In §115.113, the amendments add a final compliance date of December 31, 1986, and final control plan submittal date of December 31, 1983, for the new control requirements of §115.111 that apply to affected gasoline terminals in Harris County.

These amendments are part of a series of revisions to Chapter 115 to provide in Harris County the additional VOC emission reductions needed to satisfy U.S. Environmental Protection Agency (EPA) requirements for 1982 State Implementation Plan (SIP) revisions. These amendments are based on technical information contained in the Radian Corporation report, "Assessment of the Feasibility and Costs of Controlling VOC Emissions from Stationary Sources in Harris County, Texas," submitted to the Texas Air Control Board September 11, 1981.

Copies of the written comments and the transcript of the hearing are available for inspection at the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being "for" or "against" a proposal. A commentor who suggested any changes in the proposal is categorized as "against" the proposal while a commentor who agreed with the proposal in its entirety is categorized as "for."

Speaking in favor of the proposal, Dave Fellers, of the Texas Oil Marketers Association (TOMA), commended the TACB for its economically sound approach to achieving the additional VOC reductions required in Harris County. The proposed requirement that applies only to gasoline terminals with a daily throughput of 500,000 gallons is reasonable; however, gasoline terminal control should never be considered for any terminal with less than 500,000 gallons per day throughput. TOMA would oppose additional gasoline terminal controls, controls on the smaller bulk gasoline plants, and Stage II controls from an economic basis and because of the safety hazards with Stage II controls.

Speaking against the proposal was Brandt Mannchen, who asked how one can determine that the equipment installed is meeting the 0.67 or 0.33 pounds/1,000 gallons of gasoline transferred. He felt that additional provisions or clarifications were needed to enhance enforcement of emission control requirements.

The Marketing Subcommittee of the Texas Mid-Continent Oil and Gas Association wanted to add wording in §115.111(2)(B) to maximize the possibility of exemption under the 500,000 gallons per day criterion.

The testimony of one of the affected trade associations, TOMA, indicated that the proposed regulation change is reasonable as proposed. The other trade association, TMOGA, however, requested a wording change that might narrow the applicability of the rule. The economic analysis that was carried out developing the proposed regulation amendment and control strategy was based on the wording as it was proposed. Full reanalysis would be necessary to determine the effect of the wording change suggested by the Marketing Committee of TMOGA on the efficiency of §115.111(2)(B).

Comments of the marketing committee of TMOGA on another amendment (§115.162) proposed at this hearing and the comments of one individual have led to the realization that there was some ambiguity concerning the emission point at which compliance with §115.111 is to be determined. Section 115.111(2)(A) and (B) are based upon an EPA control techniques guideline (CTG), which clearly indicates that the emissions from the vapor recovery system vent or vents are to be sampled to determine compliance with the limitation. Insertion of wording from the proposed rule §115.111 to state that the mass-per-throughput emissions limitations are applicable to the emissions from the vapor recovery system vent makes no substantive change in the requirement, but it makes the intent of the rule clearer. Comments from an individual tended to support such a change in the wording to both §115.111(2)(A) and (B). A minor editorial change in the table of §115.113 was made for purposes of clarity.

These rules are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the Texas Air Control Board with the authority to make rules consistent with the general intent of the Texas Clean Air Act and to amend any rule the board makes.

§115.111. Throughput and Control Requirements. No person shall permit the loading or unloading to or from any facility having 20,000 gallons (75,708 liters) or more throughput per day (averaged over any consecutive 30-day period) of volatile organic compounds with a true vapor pressure equal to or greater than 1.5 psia (10.3 kPa) under actual storage conditions, unless the following emis-

sion control requirements are met by the dates specified in §115.113 of this title (relating to Compliance Schedule and Counties):

(1) (No change.)

(2) Gasoline terminal size and additional emission control requirements are as follows:

(A) Volatile organic compound vapors from gasoline terminals shall be reduced to a level not to exceed 0.67 pounds of volatile organic compounds from the vapor recovery system vent per 1,000 gallons (80 mg/liter) of gasoline transferred.

(B) Volatile organic compound vapors from gasoline terminals located in Harris County and having 500,000 gallons (1,892,706 liters) or more throughput per day (averaged over any consecutive 30-day period) shall be reduced to a level not to exceed 0.33 pounds of volatile organic compounds from the vapor recovery system vent per 1,000 gallons (40 mg/liter) of gasoline transferred.

(C) Prior to December 31, 1982, affected gasoline terminals other than those located in Gregg County shall remain in compliance with paragraph (1) of this section.

(D) After December 31, 1982, but before December 31, 1986, gasoline terminals located in Harris County and affected by paragraph (2)(B) of this section shall remain in compliance with paragraph (2)(A) of this section.

(3)-(5) (No change.)

§115.113. Compliance Schedule and Counties. All affected persons in the counties and for the facilities specified below shall be in compliance with the rule paragraphs specified below as soon as practicable but no later than the date shown:

Rule Paragraphs	Affected Facility	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
Paragraphs (1) and (3) of §115.111 of this title (relating to Throughput and Control Requirements).	Volatile Organic Compound Loading Facilities	Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Victoria. Tarrant	12/31/73 2/29/80	Previously Submitted Previously Submitted
Paragraphs (2)(A), (2)(C), and (3) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Orange, Tarrant, and Victoria.	12/31/82	12/31/79
Paragraph (4) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria.	12/31/82	7/1/81

Rule Paragraphs	Affected Facility	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
Paragraph (5) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals	Harris	12/31/82	7/1/81
Paragraphs (2)(B) and (2)(D) of §115.111 of this title (relating to Throughput and Control Requirements).	Gasoline Terminals >500,000 gal (1,892,706 L) per day	Harris	12/31/86	12/31/83

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-829295 Bill Stewart, P.E.
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Texas Air Control Board

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Water Separation in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

31 TAC §115.141, §115.142

The Texas Air Control Board adopts amendments to §115.142, with changes to the proposed text published in the June 11, 1982, issue of the *Texas Register* (7 TexReg 2235). Section 115.141 is adopted without changes to the proposed text published in the same issue and will not be reprinted.

The amendments to §115.141, concerning facilities other than petroleum refineries, and §115.142, concerning petroleum refineries, exempt certain volatile organic compound (VOC) water separators on the basis of gallons of VOC separated rather than on the volume of VOC received in order to facilitate measurements to determine compliance. Since a reliable method has been identified for measuring the true vapor pressure of the low vapor pressure VOC material

separated in a VOC water separator, the board retains in §115.142 the language, "having a true vapor pressure of 0.5 psia (3.4 kPa) or greater" which had been proposed for deletion. The minor editorial changes are adopted as proposed.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being "for" or "against" a proposal. A commentator who suggested any changes in the proposal is categorized as "against" the proposal while a commentator who agreed with the proposal in its entirety is categorized as "for."

Copies of the written comments and the transcript of the hearing are available for inspection at the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

Commenting against the proposal was Gary Tannahill of the Texas Mid-Continent Oil and Gas Association Refinery Subcommittee, who submitted a method to measure the true vapor pressure of VOC in water separators. This measurement method produces reliable results when determining compliance with the present provisions of §115.142; thus, the TACB should not adopt the proposal to delete the 0.5 psia threshold for imposition of control requirements.

C. H. Rivers of the Shell Oil Company opposed an amendment to §115.142 to remove the 0.5 psia threshold. Shell favored use of TMOGA sampling and analytical techniques to demonstrate whether the control requirements apply to a separator.

Mr. Rivers, also representing the Houston Chamber of Commerce Environment Committee, supported TMOGA's proposed method for determining vapor pressure of the recovered oil. The committee supported TACB's proposed revision to calculate the